

# 3

## SHARED ACCOUNTABILITY for FOSTER CARE OUTCOMES

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# 3

## SHARED ACCOUNTABILITY for FOSTER CARE OUTCOMES

### 3.1 Introduction

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*Virginia utilizes a state supervised, locally administered system to deliver its social services programs. Within this structure, local departments of social services (LDSS) are responsible for the day-to-day aspects of program administration, while the state provides supervision, direction and support to the LDSS.*

*Virginia has been deliberate in its design of a regional system that promotes accountability and consistency across the state for its child welfare programs. Regional offices have the responsibility of providing ongoing oversight to LDSS, ensuring that performance indicators are targeted to achieve identified goals and objectives. All LDSS must administer child welfare services programs in compliance with federal and state fiscal and program requirements, and must ensure the delivery of high-quality services across localities.*

*The Virginia Department of Social Services (VDSS) and LDSS both play critical roles in serving Virginia's children and families. VDSS promotes a collaborative and participatory model for engagement throughout the system to enhance accountability and transparency.*

### 3.2 Legal Framework

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*VDSS has a statutory responsibility to provide supervision to the LDSS. This responsibility includes ensuring the LDSS remain in compliance with requirements provided by federal and state laws and regulations, the State Board of Social Services rules, and contract and grant terms.*

*In 2019, the Virginia General Assembly enacted legislation related to social services systems reform and improvement. This legislation, [Senate Bill 1339](#), also known as the Foster Care Omnibus Bill, requires VDSS to develop a plan for improving foster care service delivery and outcomes at the local level through enhanced oversight, support, and collaboration.*

*Section [63.2](#) of the Code of Virginia provides the legal authority under which VDSS promulgates regulations, policy and procedural guidance for performance management. Section [63.2-904.1](#) governs the relationship between VDSS and LDSS by addressing state oversight and implementing sanctions related to program non-compliance.*

### **3.3 Definitions**

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*The following words and terms are defined in the Virginia Administrative Code ([22 VAC 40-771-10](#)). When used in this chapter, they shall have the following meaning, unless the context clearly indicates otherwise:*

<b><u>Term</u></b>	<b><u>Definition</u></b>
<b><i>Board</i></b>	<i>Means the State Board of Social Services</i>
<b><i>Corrective Action Plan</i></b>	<i>Means a step-by-step plan of action that is developed to achieve targeted outcomes for resolution of identified errors and deficiency correction, as well as prevention of further occurrences.</i>
<b><i>Child and Family Services or Program</i></b>	<i>Means a group of services designed to promote the well-being of children by ensuring safety, achieving permanency, and strengthening families to successfully care for their children.</i>

<b><u>Term</u></b>	<b><u>Definition</u></b>
<b>Commissioner</b>	<i>Means the Commissioner of the Virginia Department of Social Services, the designee, or authorized representative.</i>
<b>Continuous Quality Improvement</b>	<i>Means the process of identifying, describing and analyzing the strengths and problems and then testing, implementing, learning from and revising solutions.</i>
<b>Corrective Action</b>	<i>Means a formal, systemic process employed to correct noncompliance with federal and/or state statutes, or contract or grant terms.</i>
<b>Department</b>	<i>Means the Virginia Department of Social Services.</i>
<b>Local Board</b>	<i>Means the local administrative board of social services representing one or more counties or cities.</i>
<b>Local Director</b>	<i>Means the director or their designated representative of a local department of social services for a city or county.</i>
<b>Local Director of Social Services</b>	<i>Means the local department of social services of any city or county of this Commonwealth.</i>

### 3.4 Continuous Quality Improvement

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VDSS and LDSS play critical roles in serving Virginia's children and families. As a result, the evaluation of locally administered programs is critical to the well-being, permanency and safety of children and families and to the success and sustainability of the programs offered. As the state department with statutory responsibility for supervision of local administration of child welfare services, it is critical that VDSS continuously assess administration of its programs ensuring:

- Optimal customer experience;
- Compliance with federal and state requirements;

- *Progress towards program goals; and*
- *Identification of potential best practices and lessons learned for continuous quality improvement.*

*A continuous quality improvement (CQI) process involves the continuous evaluation and re-evaluation of a service delivery system. A well-developed CQI system is one that is continuous, circular in design, and dynamic enough to promote, encourage and affect change. Quality improvement must cycle through all of the steps of its quality improvement framework in order to be effective.*

*Existing federal regulations require states to describe the quality assurance (QA) system they have in place to regularly assess the quality of services under the Child and Family Services Plan (CFSP) and to assure that there will be measures in place to address identified problems [45 CFR 1357.15](#).*

*To ensure the ongoing analyses conducted in the CQI system are practice-informed and grounded in the data accuracy, the VDSS CQI team utilizes a data plan to align the analytical needs of VDSS. The plan overlays existing reporting systems, case review processes, improvement initiatives and ongoing evaluation efforts in a strategic framework that comprehensively addresses the information needs of the state regarding child welfare performance and outcomes. The plan is implemented in stages and refined over time, depending on the needs and priorities of the Department. The three stages are Data Review, Regional Program Review, and LDSS Specific Data Review.*

### **3.4.1 Data Analysis**

*VDSS uses a data driven lens when conducting an evaluation of VDSS policies, practices and procedures. This includes an examination of the following:*

#### **3.4.1.1 Data Review**

*The data review process is broken down across levels within the system.*

- *A quarterly CQI review process looks at specific topics and overall progress towards goals and will include a data report and meeting with regional office staff and localities to discuss topics and trends.*
- *Overall trend analyses at the state level will be performed to determine where Virginia is making progress and what areas still need increased focus and attention.*

- *Regional trend analyses will help LDSS, Regional Office and Home Office staff, including Strategic and Practice Consultants, to develop comprehensive capacity building plans.*
- *Local trends and individual performance data reviews will allow localities to understand patterns within their own jurisdiction and units.*

#### **3.4.1.2 Regional Data Review**

*Analysis of data at the regional level allows teams of Regional Directors, Home Office Program Managers, Strategic Consultants, Practice Consultants, and Data Analytics staff to understand trends within the data and develop strategies to enhance strengths and opportunities between agencies on solutions and improvements.*

- *Looking at regional data can identify practice models that can be shared, identify challenges which may differ between regions, and identify collaborative opportunities between agencies on solutions and improvements.*

#### **3.4.1.3 LDSS Specific Data Review**

*Analysis at the LDSS level allows localities to use data analysis to identify specific opportunities for improvement of services and connect local data to measurements and thresholds to indicate the need for LDSS to partner with LDSS to understand root cause, trends, recommendations around interventions and advocacy with respective locality governances, and/or enter a PMP.*

*For the full Division of Family Services (DFS) CQI Guidelines visit [FUSION Continuous Quality Improvement](#).*

#### **3.4.2 Performance Expectations**

*The Child and Family Service Plan (CFSP) outlines the goals VDSS has developed in collaboration with stakeholders and local department partners, based on the Department's vision statement, which will be accomplished by the end of the five-year period of the plan. The goals identified are expressed in terms of improved outcomes for the well-being, permanency, and safety of children and families, and in terms of a more comprehensive, coordinated, and effective child and family service delivery system.*

*The CFSP describes the methods used in measuring the results, accomplishments, and annual progress towards meeting the goals and objectives for children, youth and families.*

*To keep the Child and Family Services Review (CFSR) outcomes and measures in the forefront of the Department's view, the CFSR data indicators are used for determining Virginia's performance expectations. The following summarizes the performance measures outlined in the CFSR that are included as Foster Care or Foster Care related outcomes specifically to be reviewed, for the purpose of fulfilling S.B.1339 mandates:*

- *Achieving Reunification, Guardianship, Adoption, or Other Planned Permanent Living Arrangement;*
- *Child Welfare Workforce Completion of All Required Trainings*
- *Child Welfare Workforce Turnover Rates;*
- *Child Welfare Workforce Time to Fill;*
- *Mental/Behavior Health of Child;*
- *Risk and Safety Assessment and Management;*
- *Services to Family to Protect Children in the Home and Prevent Removal or Re-Entry Into Foster Care;*
- *Stability of Foster Care Placement;*
- *Timeliness of Initiating Investigations of Reports of Child Maltreatment;*
- *Timely Permanency Goal for Child*

*For additional information on performance expectations including current thresholds, see [Continuous Quality Improvement](#) on FUSION.*

### **3.5 VDSS Responsibilities**

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*VDSS is responsible for providing comprehensive social services planning across the state that include but is not limited to:*



- *Consistency in interpretation and application of laws, regulations and rules;*
- *Provision of clear policy guidance and technical assistance;*
- *Clear definition of roles and responsibilities across the Home Office, Regional Offices, and the LDSS;*
- *Timely responses to the LDSS that are consistent with laws and policy;*
- *Fairness in oversight and enforcement;*
- *Transparency and accessibility for LDSS and the public regarding law, policy and practice;*
- *Leadership and coordination for developing strategies that address system-level barriers to the effective delivery of services;*

*VDSS is responsible for the following administrative tasks:*

- *Training and Workforce Development*
  - *Develop training requirements for LDSS personnel and provide guidance for adequate staffing patterns related to the provision of social services programs.*
  - *Develop training curricula and provide timely and adequate access to statewide training opportunities for LDSS personnel related to the provision of social services programs. Training opportunities may include in-person, self-guided, web-based, and remotely facilitated programs.*
  - *Publication of a training calendar, updated quarterly, notifying the LDSS of training opportunities.*
  - *Provide timely written guidance related to new federal or state statutes or regulations, in advance of the effective date of new policy implementation, including interpretations and clarifications of existing policy. Notification must be provided no less than two weeks in advance unless federal guidance or policy release does not allow the timeframe to be implemented, i.e. in cases of retroactive policies.*
  - *Provide technical assistance and training in areas where quality control, monitoring or data indicates a lack of correct application of laws, rules, or policies.*
- *Compliance Monitoring*

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- *Monitor and evaluate LDSS compliance with applicable federal and state laws, rules and policies.*
- *Provide feedback to the LDSS with recommended changes when necessary.*
- *Ensure all financial resources related to the provision of social services programs are utilized by the LDSS in compliance with applicable federal and state laws.*
- **Data Submission**
  - *Maintain and review data submitted by LDSS pursuant to mandatory reporting requirements.*
  - *Provide the LDSS with reliable and current data related to their performance requirements. This includes but is not limited to processing applications and recertification, quality control standards, and program and fiscal information.*
  - *Maintenance and functioning of the child welfare information system utilized in statewide administration of social services.*
- **Communication**
  - *Provide the LDSS with clarification or explanation of law, rule or policy governing social services programs.*
  - *Disseminate policy on social services programs and provide LDSS with timely information on any updates to federal or state policy.*
  - *Provide timely responses to requests for technical assistance or guidance.*
  - *Maintain all policies covering social services programs in a central, accessible location.*
  - *Provide the LDSS with opportunities to submit questions, concerns and feedback related to the administration of social services programs.*
  - *Communicate with Local Directors on matters that affect social services programs.*
  - *Communicate directly with the County/City Managers, Local Boards, and the Local Directors on matters including corrective action, and significant changes to law, rule, and policy that impact the administration of social services programs.*
- **Interagency Coordination**

- *Provide guidance for the LDSS in matters that present conflicts of interest for the LDSS.*

### **3.6 LDSS Responsibilities**

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*The LDSS must adhere to the mandated performance requirements for each social services program by adhering to the minimal performance standards as discussed in [Section 3.4.2 Performance Expectations](#), including participating with VDSS in the ongoing CQI process.*

*The LDSS must comply with the following administrative responsibilities:*

- *Staff Requirements and Workforce Development*
  - *Personnel, including new hires and existing staff, involved in the LDSS's provision of social services programs must complete all required and necessary training, as required by federal and state law and policy.*
- *Compliance*
  - *Perform activities related to its social services programs in compliance with all applicable federal and state laws, rules, regulations and policies.*
  - *Utilize existing internal controls over financial resources related to the LDSS social services programs to ensure that all financial resources are used in compliance with applicable federal and state laws.*
- *Data Submission*
  - *Maintain accurate, thorough records of all social services programs, to include records related to the mandated performance requirements that can be accessed for the purpose of data collection, service provision, monitoring or consultation.*
  - *Ensure reliable data entry into state systems utilized for the administration of social services programs.*
  - *Provide, upon request, data to the state for the purpose of conducting monitoring, case file reviews, error analysis and quality control.*
  - *Utilize data to understand their performance and to conduct analysis and implement changes if performance measures are not being met.*

- *Communication*
  - *Respond and provide related action in a timely manner to all communications received from VDSS.*
  - *Provide timely information on all matters that have a potential for negative impact on the social services programs they administer, including litigation risks.*
  - *Provide timely information regarding temporary or permanent changes to the LDSS Local Board or Local Director, including retirements, separations, or any leave of absence greater than two calendar weeks.*

### **3.6.1 Data Security and Reporting**

*Efforts to share data among organizations serving children, youth and families must take several issues into consideration including confidentiality, policies and procedures, the establishment of common data elements, the integration of different information systems and more.*

- *Data Security:*
  - *The LDSS must adopt and apply data privacy and security requirements that are in compliance with all federal, state, and local laws, regulations and rules.*
- *Duty to Report:*
  - *The LDSS and any of its subcontractors or agents must fully cooperate with VDSS on issues related to privacy and security breaches.*
  - *The LDSS must report all privacy and security breaches related to the provision of social services programs to VDSS and the Privacy and Resource Officer within 24 hours after the breach is first discovered.*
  - *The LDSS must report all privacy and security breaches involving Social Security Administration data or Internal Revenue Service data within one hour after the breach is first discovered.*
  - *The LDSS must notify VDSS of any communication with the federal Office for Civil Rights received, related to provisions of social services programs.*

### 3.7 Stages of Managing Performance

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*The approach taken to address barriers experienced by the LDSS in meeting performance indicators is not intended to be punitive but collaborative in practice. Through ongoing communication and collaboration, VDSS and LDSS agencies are able to efficiently identify and address areas of concern. Areas of concern may be brought to the attention of VDSS staff through various methods, including:*

- *Routine monitoring by Practice Consultants and other state staff;*
- *Specially scheduled program or management reviews;*
- *Observation; and*
- *Complaints or grievances.*

#### 3.7.1 Performance Management Stage

*The first stage in the overall corrective action trajectory is the Performance Management Stage, designed to address performance outcomes that are non-emergency yet significant to the service provision.*

*The Performance Management Stage utilizes an ongoing CQI process between VDSS and LDSS where targeted outcomes and performance indicators are discussed through intentional meetings, identifying root cause analyses, and interventions are recommended as means for improvement.*

*When agency performance in identified outcomes areas indicate significant risk or failure to provide certain services, VDSS and LDSS will develop a Performance Management Plan designed to address performance measures outlined in the Child and Family Services Plan (CFSP), Child and Family Services Review (CFSR), the Annual Progress Service Report (APSR) and the state Performance Improvement Plan (PIP). VDSS and LDSS staff will meet as indicated in the Performance Management Plan (PMP). The PMP is a supportive tool used to identify and understand the root cause analyses of barriers that impact LDSS's ability to provide effective services. VDSS may request assistance from other LDSS that are similar in structure and size, with similar barriers identified, that were able to develop a successful response and intervention addressing it. It is the goal of VDSS to assist the LDSS by providing resources needed to address any LDSS areas of concern prior to escalating to the Corrective Action Stage or a recommendation for temporary assumption of control by the Commissioner.*

*The Performance Management Plan developed to address areas of concern (non-emergency or fiscal) include the following:*

- *Description of the Identified Deficiencies;*
- *Root Cause Considerations;*
- *Extent of Impact;*
- *Description of Activities to Resolve Deficiencies;*
- *Tasks and Steps, Time Frames and Roles Responsible for Each;*
- *Plan to Monitor Implementation and Evaluation Effectiveness of Activities to Resolve Deficiencies;*
- *Expected Outcomes and Indicators of Success; and*
- *Section for Periodic Status Updates.*

### **3.7.2 Corrective Action Stage**

*The corrective action stage is implemented when the LDSS does not successfully achieve performance management stage goals identified in the PMP and it has been determined that the PMP is insufficient in addressing the areas of concern identified. The corrective action stage is initiated following a failure to meet performance management goals outlined in the PMP or in any situation that arises that jeopardizes the safety of children. The corrective action stage is intended to create a process and procedure to assure the LDSS is meeting performance measures and outcomes within the specified time frames as outlined in the CAP. See [Section 3.9 Corrective Action Plan](#) for additional information on the CAP.*

*Prior to implementing a CAP, the Commissioner must provide the following:*

- *Written notice of intent to implement the CAP; and*
- *the reason(s) the CAP was instigated.*

*This information must be disseminated amongst the following:*

- *Chairman of the Board;*

- *Chairman of the Local Board; and the*
- *Local Director.*

*Upon the written request of any of the aforementioned parties, the Commissioner must convene a hearing to determine whether the CAP is appropriate.*

*While the CAP is in effect, the Commissioner may:*

- *Direct staff to provide assistance to the local board;*
- *Monitor the progress of the LDSS in meeting the objectives of the CAP; and*
- *Take any measures necessary to protect the health, safety, and well-being of children under the care and supervision of the Local Board.*

*While the CAP is in effect, the Commissioner must provide regular updates regarding the Local Board's progress in meeting the objectives outlined in the CAP to the following:*

- *Chairman of the Board;*
- *Chairman of the Local Board; and the*
- *Local Director.*

*. The corrective active process must be implemented as follows:*

### **3.7.2.1 Non-Emergency Corrective Action**

*When VDSS has determined the LDSS is unable to fulfill the goals identified in the PMP, a formal meeting must take place between VDSS and LDSS leadership.*

- *VDSS must notify the LDSS in writing that the agency must enter into a CAP.*
- *VDSS and the LDSS are responsible for developing the CAP. See [Section 3.8 Corrective Action Plan](#) for additional information.*

### **3.7.2.2 Emergency Corrective Action**

*When there is an event or emergency situation arising which affects the safety of children and requires immediate intervention through a CAP or temporary Commissioner intervention, a CAP must be immediately implemented by VDSS.*

*VDSS must notify the LDSS in writing and coordinate a meeting to discuss areas of concern and complete a CAP. The following stakeholders may be required to take part in the meeting:*

- *The State Board;*
- *State Board Standing Committee Chair;*
- *State Board Standing Committee;*
- *VDSS Commissioner;*
- *VDSS Chief Financial Officer (CFO)*
- *Local Department Board;*
- *Local Director;*
- *LDSS Staff;*
- *County/City Administrator;*
- *City Manager; and*
- *Locality Fiscal Manager/Treasurer*

### **3.7.2.3 Fiscal Accountability**

*Fiscal reviews are intended to assure the LDSS is spending Title IV-E and state money appropriately. They are usually conducted by a team of both fiscal and programmatic staff and can be led by federal or state staff. The reviews conducted are on federal and state foster care maintenance payments, adoption assistance payments, and, occasionally administrative and training expenses.*

*The foster care and adoption assistance reviews determine, through record reviews, whether the child's family is financially eligible, whether there is*



*documentation indicating adequate review by courts and service workers, whether foster and adoptive homes are approved, and whether individual payments are allowable.*

*The administrative and training reviews focus on whether systems for claiming and apportioning costs are accurate. Included in these reviews are checks on systems for internal controls in the areas of rate setting and of payment and edit check procedures, and examination of the accuracy of methods used for assigning administrative and training costs to Title IV-E. A plan for fiscal accountability for Title IV-E errors is outlined in the [Title IV-E Guidance](#).*

### **3.8 Corrective Action Plan**

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[Section 63.2 – 904.1](#) in the Code of Virginia authorizes the Commissioner to create and enforce a Corrective Action Plan (CAP) for any local board, that in the Commissioner's discretion:

- *Fails to provide foster care services or make placement and removal decisions as required by state and federal law, or*
- *Takes any action or fails to act in a manner that poses a substantial risk to the health, safety, or well-being of any child under its supervision and control.*

VDSS must prepare a CAP with the LDSS addressing deficiencies in managing performance as specified in [Section 3.7 Stages of Performance Management](#).

#### **3.8.1 CAP Timeline, Contents and Process**

*The CAP must include specific objectives that the local board must meet in order to comply with applicable laws and regulations and ensure the well-being and safety of all children under its supervision and control. The contents of the CAP must include:*

- *Description of the identified deficiencies;*
- *Root cause considerations;*
- *Extent of impact;*
- *Description of activities to resolve deficiencies;*

- *Tasks and steps, time frames and roles responsible for each;*
- *Plan to monitor implementation and evaluation effectiveness of activities to resolve deficiencies;*
- *Expected outcomes and indicators of success; and*
- *Section for periodic status updates.*

*The following process must take place when initiating and implementing a CAP:*

- *Prior to implementing a CAP, the Commissioner will provide written notice of the intent to implement a CAP including reasons why the plan was developed. A meeting will be set and held between the LDSS and VDSS to engage in the CAP.*
- *During the initial CAP meeting, the following will occur:*
  - *Approach/intervention agreed upon and entered into the CAP template;*
  - *Concrete action steps, timeframes to accomplish outcomes identified, recertification of issue, and periodic review timeframes;*
- *A formal letter with the CAP attached will follow the meeting. The recipients will be the Local Director and the Local Board Chair, County Administrator, and City Manager.*
- *A clear exit plan shall be included in the CAP, to include the indicators of satisfactory progress and a reasonable timeline. For recurrent issues in an agency after completion of a PMP or CAP, VDSS will loop through the trajectory again, depending on the nature of issue (emergency, non-emergency, fiscal).*
- *If there is a failure to timely comply with the CAP, the Commissioner may choose to exercise the authority to temporarily assume control over all or part of the LDSS foster care services and/or associated funds.*

### **3.8.2 Updating the CAP**

*The LDSS must provide updates to their CAP through regular, quarterly updates.*

*These updates must include:*

- *Any additional deficiencies identified since the previous CAP update;*
- *Documentation that a deficiency has been corrected and is therefore being removed from the plan;*
- *Any changes to planned corrective actions for previously reported deficiencies.*
- *Plan to end the CAP and move back into the performance management stage.*

### 3.9 Commissioner Intervention

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*When the LDSS does not meet the requirements set forth in [Section 3.6 Performance Expectations](#) or fails to comply with an approved CAP, the Commissioner may exercise its authority, under Code of Virginia Section [63.2-408](#), to temporarily assume control over all or part of foster care services and funds.*

*Upon assuming control, the Commissioner may utilize VDSS staff or contract with private entities to provide foster care services in the locality served by the Local Board and/or manage funds appropriated for such purposes. For any period during which a Local Board is under the Commissioner's control, the Commissioner must work with the Local Board and Local Director to make any adjustments necessary to facilitate the Local Board's resumption of control over its foster care services and funds.*

*The Commissioner must remit control of foster care services and funds to the Local Board when it is determined that all adjustments necessary to ensure foster care services are provided in compliance with state and federal law and regulations in a manner that adequately protects the health, safety, and well-being of all children in its supervision and control.*

*When the Commissioner assumes temporary control over the Local Board's foster care services and funds, the amount of local funding made available must remain equal to or greater than the amounts available immediately prior to the Commissioner's assumption of temporary control. Additionally, the LDSS must be required to pay the local share of any costs associated with any services necessary to align their foster care services with state and federal laws and regulations.*